

08-28-04 Ifw 2621

Attorney Docket No. ASDI-005/00US

PATENT

Express Mail Label Number: EV 459985116 US
Date of Deposit: August 25, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Deborah Elger

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Alexander Goetz

Serial No.: 10/023,396

Examiner: Sang H. Nguyen

Confirmation No.: 3708

Art Unit: 2621

Filed: December 20, 2001

For: **SYSTEM AND METHOD FOR THE COLLECTION OF SPECTRAL IMAGE DATA**

Mail Stop DD
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Enclosed is an Information Disclosure Statement and accompanying Form PTO/SB/08A for the above-identified patent application.

- ☐ In accordance with 37 C.F.R. §1.97(b), no additional fee for submission of the IDS is required.
- ☒ In accordance with 37 C.F.R. §1.97(c), also enclosed is:
 - ☐ the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p); or
 - ☒ a statement as specified in 37 C.F.R. §1.97(e).
- ☐ In accordance with 37 C.F.R. §1.97(d), a statement as specified in 37 C.F.R. § 1.97(e) and also the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) are enclosed.
- ☐ Check No. ____ in the amount of \$____ for the total fee is attached.
- ☒ A return receipt postcard is also enclosed.

☐ Please charge \$_____ to Deposit Account No. 50-1283. This paper is being submitted in duplicate.

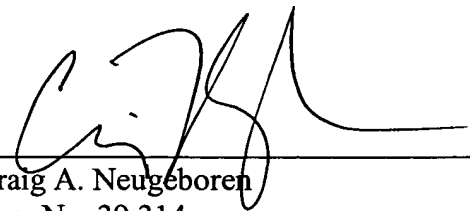
The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: August 25, 2004

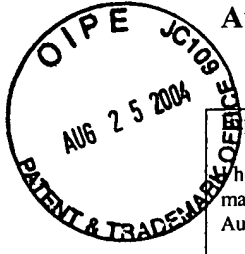
Cooley Godward LLP
ATTN: Patent Group
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, VA 20190-5601
Tel: (720) 566-4016
Fax: (720) 566-4099

Respectfully submitted,
COOLEY GODWARD LLP

By:



Craig A. Neugeboren
Reg. No. 39,314



Express Mail Label Number: EV 459985116 US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 25, 2004.

By: Deborah Hager

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Alexander Goetz

Serial No.: 10/023,396

Examiner: Sang H. Nguyen

Confirmation No.: 3708

Art Unit: 2621

Filed: December 20, 2001

For: **SYSTEM AND METHOD FOR THE COLLECTION OF SPECTRAL IMAGE DATA**

Mail Stop DD
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(c)

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56, Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

- ☒ Pursuant to 37 C.F.R. §1.98, a copy of each document cited in the attached Form PTO/SB/08A is enclosed.
- ☐ No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. _____ to which the above-identified application claims priority under 35 U.S.C. §120.

- ☐ No copies of any U.S. patents or U.S. patent application publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98 because this application was filed after June 30, 2003.
- ☒ Publication(s) 1-20 listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to International Application Serial No. PCT/US03/07365 and mailed on July 23, 2004.
- ☐ Enclosed is a copy of a non-English publication(s) _____. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- ☐ Enclosed is a copy of a non-English publication(s) _____. English language publication _____ (copy enclosed) claims priority from this non-English publication.
- ☐ Enclosed is an explanation of non-English publication(s) _____ for which an English translation is not available.
- ☐ Enclosed is an English translation of non-English publication(s) _____ cited in the attached Form PTO/SB/08A.
- ☐ Enclosed is a copy of pending patent Application Serial No. _____.

This Information Disclosure Statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing of:

- ☒ a final action under 37 C.F.R. §1.113;
- ☐ a notice of allowance under 37 C.F.R. §1.311; or
- ☐ an action that otherwise closes prosecution in this application.

In accordance with 37 C.F.R. §1.97(c) also enclosed is:

- ☐ Fee under 37 C.F.R. §1.17(p) in the amount of \$180.00; or
- ☒ Statement as specified in 37 C.F.R. §1.97(e):
 - ☒ Each item of information contained in the Information Disclosure Statement cited herein was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
 - ☐ No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a

counterpart foreign application, and, to the knowledge of the undersigned, having made a reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.


It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

Dated: August 25, 2004

Cooley Godward LLP
ATTN: Patent Group
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, VA 20190-5601
Tel: (720) 566-4016
Fax: (720) 566-4099

Respectfully submitted,
COOLEY GODWARD LLP

By:



Craig A. Neugeboren
Reg. No. 39,314

Please type a plus sign (+) inside this box →

+

PTO/SB/08A (08-00)

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number 10/023,396
Filing Date December 20, 2001
First Named Inventor Alexander Goetz
Group Art Unit 2621
Examiner Name Sang H. Nguyen
Attorney Docket Number ASDI-005/00US

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (if known)		
	1.	4,953,745		Rowlett, Jr.	09/04/1990
	2.	5,401,059		Ferrario	03/28/1995
	3.	5,448,110		Tuttle, et al.	09/05/1995
	4.	5,504,332		Richmond, et al.	04/02/1996
	5.	5,558,231		Weier	09/24/1996
	6.	5,615,009		Sakura, et al.	03/25/1997
	7.	5,628,530		Thornton	05/13/1997
	8.	5,646,425		Beach	07/08/1997
	9.	5,760,399		Trygstad	06/02/1998

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)			
	10.	EP	0727671	B1	AT&T Corp.	08/21/1996	
	11.	WO	97/07473	A1	Patient Solutions, Inc.	02/27/1997	
	12.	EP	0841548	A2	Lucent Technologies, Inc.	05/13/1998	
	13.	WO	98/28676	A2	Pyxis Corp.	07/02/1998	
	14.	WO	00/00811	A2	San Diego State University Foundation	01/06/2000	
	15.	WO	00/04480	A1	Noven Pharmaceuticals, Inc., et al.	01/27/2000	
	16.	WO	01/22063	A1	Astrazeneca AB, et al.	03/29/2001	
	17.	WO	02/07066	A1	Spectral Dimensions, Inc., et al.	01/24/2002	

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number.

² See attached Kinds of U.S. Patent Documents.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

⁶ Applicant is to place a check mark here if English language Translation is attached.

Please type a plus sign (+) inside this box →



PTO/SB/08A (08-00)

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/023,396
				Filing Date	December 20, 2001
				First Named Inventor	Alexander Goetz
				Group Art Unit	2621
Examiner Name	Sang H. Nguyen				
Sheet	2	of	2	Attorney Docket Number	ASDI-005/00US

OTHER – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	18.	Proceedings of the SPIE – The International Society for Optical Engineering, Vol. 2979, 1997, pages 107-110, "Discrimination Between Scattering and Absorption Inhomogeneities Using Time-Resolved Transmittance Imaging," P. Taroni, et al.	
	19.	Journal of the Optical Society of America A, Vol. 14, No. 1/January 1997, pages 235-240, "Photon Migration at Short Times and Distances and in Case of Strong Absorption," D. J. Durian, et al.	
	20.	Copy of International Search Report for PCT Application Serial No. PCT/US03/07365, mailed on July 27, 2004	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number.

² Applicant is to place a check mark here if English language Translation attached.